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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,233	07/01/2005	Benno Syfrig	2005_1058A	4041
513	7590	06/26/2007	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			BUMGARNER, MELBA N	
2033 K STREET N. W.			ART UNIT	PAPER NUMBER
SUITE 800			3732	
WASHINGTON, DC 20006-1021			MAIL DATE	DELIVERY MODE
			06/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/541,233	SYFRIG, BENNO
Examiner	Art Unit	
Melba Bumgarner	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 01 July 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 16-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 16-30 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 01 July 2005 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/30/07, 7/1/05.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "31". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The specification appears to be a translation of a foreign filed specification, and as such, contains errors of form, such as the reference to claims (page 1 line 2). Applicant is required to check the entire disclosure and place it in proper U.S. form. Headings for the specification are suggested.

### ***Claim Objections***

3. Claims 16 and 17 are objected to because of the following informalities: "clement" in claim 17 and claim 16 should end with a period. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 16-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The method claims should be clear as to the claimed steps for extracting a root and device claims should be clear as to the elements of the article claimed. It is not clear what is meant by the axis of which (rotating segment), extends diagonally in relation to the displacement direction of the tensioning support in claim 29. Claim 30 has an improper preamble. The claims were examined on the merits to the extend as best understood by the examiner in view of the 35 U.S.C. 112 rejection.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 16, 18, 19, and 22-24 are rejected as understood, under 35 U.S.C. 102(b) as being anticipated by Beazley (784,098). Beasley discloses a method for extracting a root, a pin is inserted into the root and affixed, a pulling element functionally linked with a tensioning device is connected with the pin and a pulling force applied to the root substantially in the direction of the axis of the pin, the device being partially inserted into the mouth and supported. The pulling element is pre-tensioned between the application point on the pin and an application point on the

tensioning device. The pulling element is hooked into the pin. A threaded pin is inserted into the root as the pin. Beasley discloses a device for carrying out extraction, pin N, pulling element M, manually actuated tensioning device (figure 3) functionally linked with the element. The tensioning device has a stretched base body A and tensioning support G, tensioning support rests upon a diverting part C connected with the base body.

8. Claims 16, 17, and 22 are rejected as understood, under 35 U.S.C. 102(b) as being anticipated by Rico (4,443,196). Rico discloses a method for extracting a root, a pin is inserted into the root and affixed, a pulling element functionally linked with a tensioning device is connected with the pin and a pulling force applied to the root substantially in the direction of the axis of the pin, the device being partially inserted into the mouth and supported (figure 7). The pulling element acting on the tooth is diverted with the tensioning device and tensioned in a substantially right-angled direction in relation to the axis direction of the root. A threaded pin is inserted into the root as the pin. Rico discloses a device for carrying out extraction, pin 21, pulling element 2, manually actuated tensioning device (figure 4) functionally linked with the element.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 25, 26, and 28 are rejected as understood, under 35 U.S.C. 103(a) as being unpatentable over Beazley. Beazley discloses a device that shows the limitations as described

above and a longitudinally oriented threaded bolt B' which projects through a support sleeve affixed to the base body, a handle axially supported on the support sleeve by means of the threaded bolt and the tensioning support is longitudinally adjustable with the handle; however, Beazley does not show a ribbed nut axially supported on the support sleeve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the handle in the form of a ribbed nut for longitudinal adjustment. The pulling element takes the form of a wire (rod), means for hooking up the pulling element M in a hook-shaped recess N' of the pin. The tensioning support is adjustable in a longitudinal direction between a front base body section and front facing surface.

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication from the examiner should be directed to Melba Bumgarner whose telephone number is 571-272-4709. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melba Bumgarner  
Primary Examiner